

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WALTER RAGLIN,	:	
Petitioner,	:	CASE NO. 1:00-cv-767
v.	:	JUDGE WALTER H. RICE
BETTY MITCHELL, Warden	:	MAGISTRATE JUDGE MERZ
Respondent.	:	

**RESPONDENT'S MEMORANDUM IN OPPOSITION TO RAGLIN'S
OBJECTIONS TO THE CHIEF MAGISTRATE JUDGE'S JUNE 29, 2006
AMENDED SUPPLEMENTAL REPORT AND RECOMMENDATIONS**

Respondent Betty Mitchell respectfully opposes Petitioner Walter Raglin's Supplemental Objections and Appeal for the reasons contained in the attached memorandum.

Respectfully submitted,

Jim Petro
Ohio Attorney General

s/Carol A. Ellensohn

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COUNSEL FOR RESPONDENT

MEMORANDUM IN SUPPORT

I. STATEMENT OF THE CASE

On February 2, 2006, after the completion of briefing and discovery, the Chief Magistrate Judge issued a Report and Recommendations recommending Raglin's First Amended Petition be dismissed with prejudice. Doc. R. 89.

On May 26, 2006, after many extensions of time, Raglin finally filed Objections to the Chief Magistrate Judge's Report and Recommendations. Doc. R. 95. On June 8, 2006, Respondent filed a Memorandum in Opposition to Raglin's Objections and Appeal. Doc. R. 98.

On June 13, 2006, Chief Magistrate Judge Merz issued a Supplemental Report and Recommendations again recommending that Raglin's Petition for Writ of Habeas Corpus be dismissed with prejudice on the merits. Doc. R. 99. On June 29, 2006, Chief Magistrate Judge Merz issued an Amended Supplemental Report and Recommendations once again recommending that Raglin's Petition for Writ of Habeas Corpus be dismissed with prejudice on the merits. Doc. R. 100.

On July 18, 2006, Raglin filed Objections to the Chief Magistrate Judge's Amended Supplemental Report and Recommendations. Doc. R. 101. Respondent now files a Memorandum in Opposition to Raglin's Supplemental Objections and Appeal.

II. THE CHIEF MAGISTRATE JUDGE AGAIN CORRECTLY DETERMINED THAT NONE OF RAGLIN'S GROUNDS WARRANT RELIEF IN FEDERAL HABEAS CORPUS.

Raglin again objects to the Chief Magistrate Judge's recommended dismissal of his **First, Second [Sub-Claim D], Third, Fourth, Eighth, Ninth, Seventeenth, Twenty-Third, Thirty-Seventh** and **Thirty-Eighth** Grounds. However, Raglin merely offers the same arguments in support of his claims, as opposed to specific objections to the Chief Magistrate Judge's factual findings and legal determinations. Accordingly, Respondent relies on the disposition of the grounds in question in both the Chief Magistrate Judge's original and amended supplemental reports. *See*, Doc. R. 89, February 2, 2006 Report and Recommendations and Doc. R. 100, June 29, 2006 Amended Supplemental Report and Recommendations.

III. CONCLUSION AND REQUEST FOR RELIEF

For all the foregoing reasons, Respondent again respectfully submits that Raglin has failed to substantiate his entitlement to relief in federal habeas corpus. Accordingly, Respondent respectfully requests that the Court overrule Raglin's objections, adopt the final and amended supplemental recommendations of the Chief Magistrate Judge, and dismiss Raglin's petition with prejudice.

Respectfully submitted,

Jim Petro
Ohio Attorney General

s/Carol A. Ellensohn

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COUNSEL FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing, Respondent's Memorandum in Opposition to Raglin's Objections to the Chief Magistrate Judge's June 29, 2006 Amended Supplemental Report and Recommendations, has been forwarded this **21st** day of **July 2006**, via the court's electronic notification system to:

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s/ **Carol A. Ellensohn**

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